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November 12, 2013

Stephen Bishop
Town Planner
30 Providence Road
Grafton MA 01519

RE: D&F Afonso Builders Inc. v. Grafton, WOCV 2010-01284

Dear Steve:

Attached please find the Court's decision in the above titled action. The Court allowed our Joint Motion for Judgment and found that the Town has acquired Institute Road by prescription. This is essentially a judicial determination that Institute Road is a public way and therefore the applicant can now demonstrate to the Planning Board that it has access from a public way to its proposed subdivision. Please let me know if you have any questions about this.

Very truly yours,


Ginny Sinkel Kremer
(617) 312-2323

Cc: Town Administrator



Institute Road deemed
public/owned by Town
via Court proscription
and not Town Meeting
Vote.

Copy to Town Clerk

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS:

SUPERIOR COURT DEPT.
OF TRIAL COURT
DOCKET WOCV2010-01284-D

D & F AFONSO BUILDERS, INC.,
Plaintiff

VS

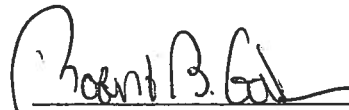
THE TOWN OF GRAFTON,
MASSACHUSETTS, ET. AL.,
Defendants

JUDGMENT

This matter came before the Court on the parties joint motion for Judgment. After reviewing the evidence and legal arguments presented, I make the following findings:

1. There is no issue as to any material facts.
2. The Town has acquired Institute Road by prescription.

Based upon these findings this Court enters Judgment that Institute Road is a public way in the town of Grafton, Massachusetts.


Justice of the Superior Court

Grafton 28, 2013

Entered and Copies Mailed 11-4-13